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10/713,155

11/17/2003

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EXAMINER

TANK, ANDREW L

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/713,155 | Applicant(s) KOBAYASHI ET AL. | |
| | Examiner Andrew Tank | Art Unit 2173 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment of May 1, 2007. Claim 6 is canceled. Claims 1-5 and 7-37 are pending and have been considered below.

Specification

2. Applicant has amended the Specification to overcome the examiner's objection of February 1, 2007, regarding grammatical content and a minor omission in the "BRIEF DESCRIPTION OF THE DRAWINGS". As such, the examiner withdraws his previous objection.

Claim Objections

3. Applicant has amended claim 23 to overcome the examiner's objection of February 1, 2007, regarding an improper dependent form. As such, the examiner withdraws his previous objection.
4. Applicant has reproduced the Preliminary Amendment of November 17, 2003 in order to overcome the examiner's objection of February 1, 2007 regarding the Preliminary Amendment failing to comply with the requirements of 37 C.F.R. 1.121. As such, the examiner withdraws his previous objection.
5. Claims 25 and 34 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or

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rewrite the claim(s) in independent form. Both claims 25 and 34 recite limitations already found in their respective independent claims 20 and 29.

Claim Rejections - 35 USC § 101

6. Applicant has amended claims 29-37, by amending independent claims 29, 36, and 37 to overcome the examiner's rejection directing claims 29-37 to non-statutory matter. The examiner withdraws his previous rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 7, 20-26, and 29-35 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application 2002/0070973 (**Croley**).

Claims 1, 20 and 29: **Croley** discloses an information display method comprising the steps of:

- i. causing a display device to display a screen (page 2 [0027] “to display the entirety thereof upon a single screen page of a computer monitor”) containing a data input box for data specified by data identifying information in accordance

with definition information on the screen (page 2 [0027] multiple-choice menu of click-enterable alpha-type entries”);

- ii. storing the data inputted to the data input box together with the data identifying information (page 2 [0029] “each completed data form .. is thereby stored”);
- iii. searching for the data corresponding to the data identifying information from the storage unit when having the screen displayed (page 2 [0030] “which includes all relevant historical data”, further – page 3 [0034] “When a subsequent examination or inspection starts, the user can call up from memory certain parts of the last completed historical form”);
- iv. setting the searched data into the data input box specified by the data identifying information (page 3 [0034] “the user can call up from memory certain parts of the last completed historical form, and display upon the computer screen, namely, key default entries 115 of the predecessor form”); and
- v. obtaining information for identifying a user (page 2 [0029] “corresponds to a medical exam”, Fig. 7 top left shows a patient’s name), wherein said storing includes storing the data in a way that relates the data to the information for identifying the user (page 3 [0037]), and said searching includes searching for the data corresponding to the data identifying information for every user (page 3 [0037] memory 125 contains historic information relative to contact lens user patients of the doctor).

Claims 2, 21 and 30: **Croley** discloses an information display method according to claims 1, 20, and 29 above, further comprising:

- i. receiving the definition information, wherein the definition information contains the data identifying information, and in the searching step the data is searched for by the data identifying information contained in the definition information received (page 2 [0029] and page 3 [0030]).

Claims 3, 22 and 31: **Croley** discloses an information display method according to claims 1, 20, and 29 above, wherein, in the storing step, plural pieces of data inputted to the data input box in the past are stored (page 2 [0029]), and in the setting step one piece of data among the plural pieces of data is set into the data input box (page 3 [0030]), and the remaining data are displayed as options in the vicinity of the input box (page 3 [0030], page 3 [0033]).

Claims 4, 23 and 32: **Croley** discloses an information display method according to claims 3, 22 and 31 above, further comprising determining a priority order of the data set into the data input box (page 2 [0027] “alpha-type entries”, page 2 [0029] “designated key default fields”).

Claims 5, 24, and 33: **Croley** discloses an information display method according to claims 3, 22, 23, and 31 above, further comprising a step of determining a data arrangement order of the data displayed as the options (page 2-3 [0030]).

Claims 25 and 34: **Croley** discloses an information display method according to claims 1, 20, and 29 above, further comprising obtaining information for identifying a user, wherein in the storing step the data is stored in a way that relates the data to the

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information for identifying the user, and in the searching step the data corresponding to the data identifying information for every user is searched for (page 3 [0034-0038] historical data as related to doctors and patients).

Claims 7, 26, and 35: **Croley** discloses an information display method according to claims 1, 20, and 29 wherein, in the storing step, plural pieces of data identifying information related to the data are stored (page 2 [0029]), and in the searching step the data is searched for by any one piece of data identifying information among the plural pieces of data identifying information (page 2 [0028]).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-19, 27-28, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0070973 (**Croley**).

Claims 8, 14, 27-28, and 36-37: **Croley** discloses a communication method involving the steps of:

- i. storing the data inputted to the data input box together with the data identifying information (page 2 [0029] “each completed data form .. is thereby stored”);

- ii. searching for the data corresponding to the data identifying information from the storage unit when having the screen displayed (page 2 [0030] “which includes all relevant historical data”, further – page 3 [0034] “When a subsequent examination or inspection starts, the user can call up from memory certain parts of the last completed historical form”); and
- iii. setting the searched data into the data input box specified by the data identifying information (page 3 [0034]).
- iv. However, Croley does not specifically disclose that communication method involves communicating between a server computer and a terminal computer on a network. Croley does disclose that the display is on a computer screen (page 2 [0013-0014]), implying that Croley's method is acted on a computer. Also, Croley discloses that the output can be placed in an email format (page 3 [0039]), which implies that the computers can be networked together. Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to use the communication method for relaying data between a server computer and a terminal computer on a network. One would have been motivated to do this in order to provide one or more users spread across a plurality of terminals access to remote servers containing databases. This increases the accessibility and usability to the user, as well as providing redundancy to the data contained in the databases.

Claims 9 and 15: Croley discloses the devices as in claims 8 and 14 above, and further discloses that the storage unit is stored with plural pieces of data inputted to the data input

box in the past (page 2 [0029]), and the control unit sets one piece of data among the plural pieces of data into said data input box (page 3[0030]) and adds to the definition information a piece of information for having the remaining data displayed as options in the vicinity of the input box (page 3 [0030] and [0033]).

Claims 10 and 16: **Croley** discloses the devices as in claims 9 and 15 above, and further comprising a determining unit determining a priority order of the data set into the data input box (page 2 [0027] “alpha-type entries”, page 2 [0029] “designated key default fields”).

Claims 11 and 17: **Croley** discloses the devices as in claims 9, 14 and 16 above, and further comprising an arrangement unit determining a data arrangement order of the data displayed as the options (page 2-3 [0030]).

Claims 12 and 18: **Croley** discloses the devices as in claims 9 and 15 above, and further comprising an obtaining unit obtaining information for identifying a user of the terminal, wherein the storage unit is stored with the data in a way that relates the data to the information for identifying the user, and the control unit searches for the data corresponding to the data identifying information for every user (page 3 [0034-0038] historical data as related to doctors and patients).

Claims 13 and 19: **Croley** discloses the devices as in claims 9 and 15 above, wherein the storage unit is stored with plural pieces of data identifying information related to the data (page 2 [0029]), and the control unit searches for the data by any one piece of data identifying information among the plural pieces of data identifying information (page 2 [0028]).

Response to Arguments

9. Applicant's arguments filed May 1, 2007 have been fully considered but they are not persuasive. Applicant argues that Croley does not teach or suggest each and every feature of the presently claimed invention, including “searching for the data corresponding to the data identifying information,” and “setting the searched data in the data input box”. The examiner respectfully disagrees.

10. As shown above, Croley does show each and every feature of claims 1-5, 7, 20-26, and 29-35 and shows and suggests each and every feature of claims 8-19, 27-28, and 36-37, including (page 3 [0034]) that a user can call up from memory (search for data) parts of a completed historical form (data corresponding to identifying information) and display upon the computer screen key default fields entries of the predecessor form (setting the searched data in the data input box) as well as storing historic information related to a contact lens user patient (data stored in a way that relates to the information for identifying a user) of the doctor and the searching of this information therefore searches this data identifying information since the user can call up from memory parts of a completed historical form (searching corresponding to this data identifying information). Further, as shown above, Croley does show the storing of plural pieces of data input to the data input box in the past and setting a piece of default data into the data input box and the remaining data remaining in the vicinity of the box.

11. Applicant argues that Croley is limited to configuring a default view of a form with data fields for displaying the form on a single screen and storing that view. The examiner notes that

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whether or not **Croley** shows a default single screen with multiple data fields has no impact on Applicant's claimed invention.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

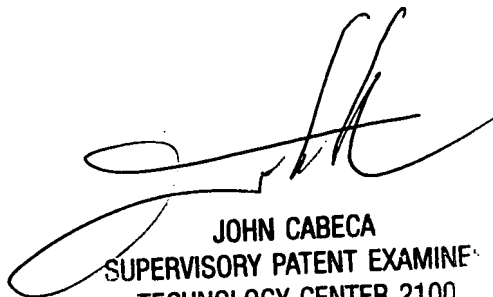
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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August 2, 2007



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